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WORKINGMEN'S COMPENSATION IN THE BREWING INDUSTRY

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I have no fault to find with those who are ready, for a consideration, to undertake to carry the burden which our present laws throw upon the employe, but I do have fault to find with a system of laws which throws upon the workman the entire burden of the risk of his employment. I do find fault with a system which says to the family of a man, killed in the course of his employment, that they have no remedy because they cannot prove that the employer has been negligent. Casualty insurance simply shifts the paymaster, and it does so at a very great cost, but it still leaves in effect a system which is so unjust that it is surprising that the public has not long ago risen in its might to end it.

Under our law, which is the common law, and which, in this country, has not been successfully modified in its underlying principles, the workman bears the entire load; the employer is practically free from obligation, provided that he is not guilty of negligence. It is said, a man does not have to go into that employment, and if he does undertake that employment he must take the consequences. Men must live, they must earn their living, and the work must be done. The community does not say to the employer when he enters into a certain enterprise that there are certain risks attached to it, and that he should carry the risks as well as the workman. The injustice is apparent—it seems unnecessary to dwell upon it.

We have not been able to find the remedy so successfully as have the older countries of Europe. They took up the subject long ago, they have solved the problem and solved it well. Their answer to the question is one that is open to us. We know what they have done, we know what they are doing, and yet our hands are

tied and we cannot follow their example. What is the reason that this question of employers' liability and workmen's compensation has been satisfactorily solved in the old countries of Europe? The reason is that in these countries the Government has greater authority and, therefore, feels the corresponding responsibility; the Government is to a large degree paternal, and the citizen cheerfully accepts that condition and welcomes the efforts of the Government in his behalf. Foreign Governments, unhampered by constitutional limitations, have taken up the question of workmen's compensation, and have established a system of compensation for industrial accidents, in which the question of fault or negligence of employer or employe cuts no figure whatever. It is considered that the risks of the occupation are to be borne by all those who are engaged in that occupation, and that it is not right to throw a larger burden on the workman than on the employer.

The subject has been taken up in this country, and we run against constitutional provisions, federal and state, which appear to render us helpless. Either we must amend the constitutions of the states and of the United States, in order that satisfactory compensation laws may be enacted, or the question must be solved by voluntary industrial insurance. Whether the constitutional inhibitions will ever be removed I do not know, but I do know that such a result could be accomplished only after many years of effort, if at all. Many employers, having the interests of the men who are working for them at heart, have made up their minds that a proper and universal solution is far distant, and they have undertaken to furnish a solution themselves, and that has brought into existence the many voluntary compensation plans which you, no doubt, know of. They go far toward palliating the evil, but they do not go far enough, for the reason that being voluntary, and, therefore, confined to those who are sufficiently public spirited to submit to a considerable pecuniary sacrifice, they beneficially affect a comparatively small number of employes.

I want to call attention to a plan of compensation which has interested very many in the industry in which I am particularly interested, and which, on account of the peculiar conditions, I believe will serve as an object lesson to all the world, because it probably will be universal in the industry, although voluntary. A considerable number of those who are engaged in the brewing

industry have an organization called the United States Brewers' Association, which has for its object the consideration of all those affairs which go toward the improvement of the industry and those engaged in it. The association embraces a very large proportion of those engaged in that occupation. They employ about 100,000 men, and all of these men are organized in unions. All of the brewers employ, in their operations, union men, both in the process of brewing, delivering the product, in the engineering department and throughout their plants.

This condition of affairs suggested that through a broad, strong organization, on the part of the employers, and an equally broad and efficient organization on the part of the employes, provided the cooperation of these two organizations could be secured, it would be possible to work out a satisfactory plan of compensation. The attempt has been made, and the advances of the employers were promptly and readily met by the workmen, and it was thought that this matter could be disposed of in a very short time. It soon became apparent, however, that in order that this plan might be efficient and permanent, it must be established upon a sound basis, and upon complete data, such as are used by insurance companies. Accordingly, the unions were called upon to furnish figures of the extent and duration of disabilities caused by injuries sustained by their members in their employment, and this they have just done. With considerable trouble to themselves they have collected a mass of data which has been submitted to the employers, and by them to experts, who are to classify it, and furnish a report upon which a plan of compensation is to be worked out. When this is done a fund is to be created to which employer and workmen shall both contribute, and in the administration of which both employers and workmen will have a voice. The fund, of course, is contributed to a large extent by the employers and in smaller part by the employees. This is to be administered by a committee consisting of employers and workmen. All accidents will be compensated for out of this fund, irrespective of any question of fault or negligence. When the family of a workman is deprived of its means of support, here will be found a fund out of which the loss will be adjusted and compensation made.

It is expected, from the statistics so far available, that this fund, which is to be annually renewed, will also be sufficient to provide for old-age pensions. If that can be done, and the outlook is

favorable, I believe the state and federal governments will find an illustration of what can be done, and of what ought to be done, by legislation, preceded by amendments of constitutions, if necessary. What is successful as a voluntary matter will, of necessity, be all the more successful when it becomes universal because based upon compulsory legislation.